

Attorney's Docket No. YORK.US.2**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Koch, et al.
Serial No.: 10/710,845
Confirmation No.: 4844
Filed: 08/06/2004
For: COMBINATION FLASHING AND
DRAINAGE SYSTEM

] Examiner: Anthony N. Bartosik
]
] Group Art Unit: 3635
]
]

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**DECLARATION TRAVERSING REJECTION
37 CFR 1.132**

To the Commissioner for Patents:

I, Michael Mahoney, being duly sworn, declare as follows:

1. That I am a OWNER (position) with Seacoast Masonry Supply, having a place of business at 60 Minnesota Avenue, Warwick, RI 02888.

2. That I am considered, and also consider myself to be, an expert in most aspects of the masonry business for the past ten years of my almost 25 years in the business. I have worked with architects throughout New England writing specifications for various products that I have represented. Beyond selling the products that I represent, I also stay on top of industry trends and changes and keep my customers advised. Typically,

after reviewing their specifications and plan details free of charge, I am asked to advise where to improve or make changes to ensure a quality masonry product. I have a long list of architects, general contractors, mason contractors, and manufacturers throughout the country that call to ask my opinion on a daily basis. I am also usually one of the first people called when something goes wrong.

3. That the Brick Industry Association ("BIA"), National Concrete Masonry Association ("NCMA"), International Masonry Institute ("IMI"), and others are associations that are constantly striving to improve the performance and durability of masonry construction. Thanks to these organizations, I have seen a lot of changes for the better in masonry, especially masonry veneer constructions over the last 25 years. Over the same amount of time I have also seen a lot of new products come onto the market. In my opinion, most have been flawed, some have been good, and only a few have been great.

4. That I am familiar with the claimed invention, namely, a combination through-wall masonry flashing / drainage device comprising a flashing membrane, the flashing membrane having a first side and a second side opposite the first side; a reinforcing cloth adhered to the flashing membrane first side; and a wicking cloth adhered to the flashing membrane second side, hereinafter referred to as FLASHVENT.

5. That FLASHVENT has to be the greatest invention that has come onto the market. With copper prices tripling in the past five years alone, flexible copper fabric flashing which used to be the standard less than ten years ago was all but nonexistent

due to cost and competitive flashing products coming on the market. Copper fabric is the only flexible flashing that has withstood the test of time.

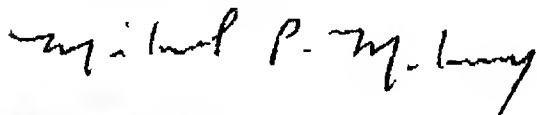
6. That roughly 15 years ago, rubberized asphalt (peel and stick) flashings came onto the market as a lessar expensive alternative to copper. After countless failures and revisions to installation instructions over the years to follow, it was found that this type of flashing has some severe limitations. These limitations led to other products including mortar deflection devices ("MDD") coming onto the market to address the inability to support and drip-edge to mask the temperature sensitivity of this type of flashing. Now requiring these additional products for a "proper installation," this type of flashing has become a very expensive "system" which still has unaddressed limitations.

7. That the invention of FLASHVENT accomplished several things. First, due to the non-woven wicking material being laminated to the flashing, it eliminates the need for any MDD. This allows any mortar droppings to fall to the base of the wall where they belong instead of causing potential dams at the top termination of the flashing, as is the case 90% of the time with MDDs. Second, it made copper once again a very competitively priced through-wall flashing. Coppers' resistance to UV light, heat, cold, acids, and alkalis, as well as its ability to support itself and span any gaps or voids makes copper the perfect choice for through-wall flashing. Its manufacturer's warranty speaks for itself. Finally, the labor savings is significant. A single sheet of flashing which replaces and eliminates the need to install multiple components saves time and money for the installer.

8. That I do not have any financial interest in this patent application or in its assignee York Manufacturing, Inc., except as a paying customer.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael P. Mahoney", written in a cursive style.

Michael Mahoney

Date: February 14, 2008